

August 9, 1985

Mr. Jeffrey A. Lead
Manager Waste Disposal
General Battery Corporation
P.O. Box 1262
Reading, Pennsylvania 19603-1262

Dear Mr. Lead:

This is in response to your letter dated July 17, 1985, regarding the regulatory status of steel industrial battery cases (from which the acid and lead components have been removed) which are sent off-site to a foundry or steel mill for recycling under the hazardous waste regulations under the Resource Conservation and Recovery Act. In particular, you request that I confirm an interpretation given to you by the RCRA/Superfund Hotline that the industrial battery cases when sent for reclamation are not subject to the hazardous waste regulations, even if these cases exhibit the extraction procedure (EP) toxicity characteristic.

In general, I agree with this interpretation (i.e., since the battery cases would be a "scrap metal" which is being recycled, it is exempt from regulation pursuant to 40 CFR 261.6(a) (3) (iv)). However I must advise you that if these battery cases are mixed with other secondary materials that are defined as solid and hazardous which are not exempt from regulation, the entire mixture (including the battery cases) would be subject to regulation. To illustrate this point, I recently visited a number of facilities in the southeast that did battery cracking. Based on my observations, when the lead plates (defined as scrap metal) and lead oxide material are removed from the spent battery, they physically are not (and probably cannot be) separated but rather are placed in the same pile. (This point was confirmed by the Managers at the two plants.) Since the lead plates and lead oxide material (which is a regulated recyclable material) are mixed and sent to the smelter as a mixture, the entire mixture would be regulated. This same conclusion would be reached if the steel industrial battery cases were mixed with regulated recyclable materials.

I hope this letter responds to your request; please feel free to give me a call if I can be of any further assistance. My telephone number is (202) 475-8551.

Sincerely yours,

Matthew A. Straus, Chief
Waste Identification Branch

Faxback 11100

GENERAL BATTERY CORPORATION

July 17, 1985

Mr. Matthew Straus

Office of Solid Waste (WH-562-B)
U.S. Environmental Protection Agency
401 M Street) SW
Washington, DC 20460

Dear Mr. Straus:

To confirm a telephone conversation on July 16 with the RCRA/Superfund Hotline, it is General Battery Corporation's understanding that a steel industrial battery case (from which the acid and lead components have been removed at a secondary lead smelter and which is subsequently transported off-site to a foundry or steel mill for recycling) is not subject to the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA)

In this situation, it is General Battery Corporation's understanding that the potential regulatory status of the steel battery cases must be evaluated pursuant to new U.S. Environmental Protection Agency regulations which were published on January 4, 1985 (50 Federal Register, p. 661-668) and became effective on July 5, 1985. This regulation emphasizes that to determine if a secondary material is a solid waste when recycled, one must examine both the material and the recycling activity which is involved. Pursuant to this regulation, the steel battery case is defined as "scrap metal" {e.g., bits and pieces of metal that are discarded after consumer use or that result from metal processing operations, including products made of metal that become worn out, and are recycled to recover their metal content). In the specific example cited in the opening paragraph above, this type of recycling constitutes "reclamation" (e.g., the regeneration of wastes or the recovery of material from waste)

Since the battery case is a "scrap metal" which is being "reclaimed", it is exempt from regulation, even though it could be hazardous on the basis of Extraction Procedure toxicity.

General Battery Corporation would appreciate your review of this information and immediate advisement if our understanding is not correct. Should additional information be needed, please contact this office at (215) 378-0852.

Thank you for your assistance in this matter.

Very truly yours,

GENERAL BATTERY CORPORATION

Jeffrey A. Leed

Manager, Wastes Disposal